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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,148	10/13/2005	Hannekore Dornbach	095309.56031US	6524

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

09/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/528,148

**Applicant(s)**

DORNBACH ET AL.

**Examiner**

Julie Lieu

**Art Unit**

2612

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-14, 16-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 and 16-19 is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office action is in responsive to Applicant's After-[Final amendment filed August 25, 2008. Claims 1-10, 15, and 20 have been canceled.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The indicated allowability of claims 21, and 22 is withdrawn in view of the newly discovered reference(s) to Yoder et al. (US Patent No. 5,441,022). Rejections based on the newly cited reference(s) follow.

### ***Specification***

4. The disclosure is objected to because of the following informalities: the specification mentions ignition key 30 while the drawings show ignition key 3. It appears that this is a typographical error.

Clarification or appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. Claims 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoder et al. (US Patent No. 5,441,022).

**As to claim 21**, Yoder et al. (hereinafter as Yoder) discloses a driver authorization system, comprising:

an ignition lock 10 having a receptacle 12 adapted to receive and to be actuated by an ignition key 16 (fig. 1);

a control unit 26 for activating ignition locks functions in response to actuation signals from ignition lock 10;

a vehicle key 16 having a mobile release device integrated therein (col. 3, lines 1-23);

an on board identification device 26 for detecting presence and authorization of the mobile release device (col. 3, lines 1-23); and

a pushbutton unit 16, which is insertable into and removable from said receptacle 12, for communicating with said ignition lock 10 when said pushbutton unit is in an inserted state, said pushbutton unit including means which are actuatable by a vehicle operator, when said pushbutton is in said inserted state, to cause said ignition lock to send actuation signals to said control unit (that is, insertion of ignition key 15 into ignition switch beyond the ON position to depress plunger 36, and thereby actuate the start switch 32), whereby said control unit activates a least one ignition function (that is, to turn the ignition ON) in response to said actuation signals, if said on board identification device concurrently detects presence and authorization of said mobile release device (as discussed in col. 3, lines 1-23).

**As to claim 21**, Yoder discloses a device for use with a driver authorization system that includes an ignition lock 10 having a receptacle 12 adapted to receive and to be actuated by an ignition key 16; a control unit 26 for activating ignition lock functions (that is to turn on the ignition) in response to actuation signals from said ignition lock (that is, insertion of ignition key 16 into ignition switch 10 beyond the ON position to depress plunger 36, and thereby actuate the start switch 32); a vehicle key 16 having a mobile release device integrated therein (col. 3, lines 1-23); an on board identification device 26 detecting presence and authorization of the mobile release device; and a pushbutton unit 16 for activating at least one said ignition lock functions, wherein:

said pushbutton unit 16 is insertable into and removable from said receptacle, for communicating with said ignition lock 10 when in an inserted state; and

said pushbutton unit 16 includes means which are actuatable by a vehicle operator when said pushbutton is in said inserted state to cause said ignition lock to send actuation signals to said control unit (that is, insertion of ignition key 16 into ignition switch beyond the ON position to depress plunger 36, and thereby actuate the start switch 32), whereby said control unit 26 activates at least one ignition function (that is, to turn the ignition ON) in response to said actuation signals if said on board identification device concurrently detects presence and authorization of said mobile release device (as discussed in col. 3, lines 1-23).

***Allowable Subject Matter***

6. Claims 11-14 and 16-19 are allowed.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julie Lieu/  
Primary Examiner  
Art Unit 2612

Sept 17, 08